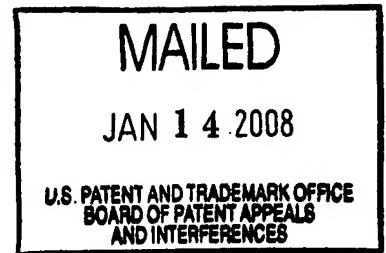


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PHILIPPE SCHOTTLAND

Application No. 10/063,792



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on December 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

On June 15, 2006, the Examiner mailed a Final Rejection. On page 1 of the rejection number 6) indicates that claims 1-23, 28-41, and 78-80 are rejected. While, the Examiner mentioned claims 28, 29, and 78-80 in his Final Rejection and in his Examiner's Answer, he fails to state the grounds in which claims 28, 29, and 78-80 are rejected under. Appropriate correction is required.

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On January 19, 2007, Appellant filed an Appeal Brief. A review of the file reveals that claim 1 in the Claims Appendix of the Appeal Brief is not consistent as amended in the Amendment filed March 30, 2006. The Appeal Brief Claims Appendix claim 1 line 1 reads: “wherein the article is a bottle having an” However, the Amendment dated March 30, 2006, amended the claim by replacing the word **having** with **comprising**.

Section 37 CFR § 41.37(c) further states:

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

An entire new brief need not, and should not, be filed. Rather, a paper providing a **clean copy of the claims involved in the appeal will suffice**. Failure to timely respond to the Office’s requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

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Accordingly, it is ORDERED that the application is returned to the Examiner to:

1. to vacate the Examiner's Answer mailed April 6, 2007, and issue a revised Examiner's Answer to include all pending claims and the grounds in which they are rejected under;
2. to notify Appellant to file an amended Claims Appendix contains a clean copy of the claims involved in the appeal; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCE

/PATRICK J. NOLAN/
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PJN/pgc

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